

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

SHERRIAN CANTRELL SALINAS
801 North Granada Drive, Apt. 39C
Madera, CA 93637

Case No. 2003-70

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on January 16, 2005.

IT IS SO ORDERED December 17, 2004

Sandra K. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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2 of the State of California
3 PAUL V. BISHOP, State Bar No. 50133
4 Deputy Attorney General
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11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF REGISTERED NURSING**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Statement of Issues Against:

Case No. 2003-70

17 **SHERRIAN CANTRELL SALINAS**
18 801 North Granada Drive, Apt. 39C
19 Madera, California 93637

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 Respondent.

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
22 above-entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
25 the Board of Registered Nursing. She brought this action solely in her official capacity and is
26 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Paul
27 V. Bishop, Deputy Attorney General.

28 2. Respondent SHERRIAN CANTRELL SALINAS (Respondent) is
represented in this proceeding by attorney Katherine Hart, whose address is 2055 San Joaquin
Street, Fresno, CA 93721.

3. On or about July 15, 1999, Respondent filed an Application for Licensure
by Examination with the Board of Registered Nursing and on April 3, 2002, that application was
denied.

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1 **Severability Clause.** Each condition of probation contained herein is a separate
2 and distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
7 A full and detailed account of any and all violations of law shall be reported by Respondent to
8 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
9 compliance with this condition, Respondent shall submit completed fingerprint forms and
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
11 as part of the licensure application process.

12 **Criminal Court Orders:** If Respondent is under criminal court orders, including
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15 2. **Comply with the Board's Probation Program.** Respondent shall fully
16 comply with the conditions of the Probation Program established by the Board and cooperate
17 with representatives of the Board in its monitoring and investigation of the Respondent's
18 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
19 within no more than 15 days of any address change and shall at all times maintain an active,
20 current license status with the Board, including during any period of suspension.

21 Upon successful completion of probation, Respondent's license shall be fully
22 restored.

23 3. **Report in Person.** Respondent, during the period of probation, shall
24 appear in person at interviews/meetings as directed by the Board or its designated
25 representatives.

26 4. **Residency, Practice, or Licensure Outside of State.** Periods of
27 residency or practice as a registered nurse outside of California shall not apply toward a reduction
28 of this probation time period. Respondent's probation is tolled, if and when she resides outside

1 of California. Respondent must provide written notice to the Board within 15 days of any change
2 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
3 returning to practice in this state.

4 Respondent shall provide a list of all states and territories where she has ever been
5 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
6 provide information regarding the status of each license and any changes in such license status
7 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
8 new nursing license during the term of probation.

9 **5. Submit Written Reports.** Respondent, during the period of probation,
10 shall submit or cause to be submitted such written reports/declarations and verification of actions
11 under penalty of perjury, as required by the Board. These reports/declarations shall contain
12 statements relative to Respondent's compliance with all the conditions of the Board's Probation
13 Program. Respondent shall immediately execute all release of information forms as may be
14 required by the Board or its representatives.

15 Respondent shall provide a copy of this Decision to the nursing regulatory agency
16 in every state and territory in which she has a registered nurse license.

17 **6. Function as a Registered Nurse.** Respondent, during the period of
18 probation, shall engage in the practice of registered nursing in California for a minimum of 24
19 hours per week for 6 consecutive months or as determined by the Board.

20 For purposes of compliance with the section, "engage in the practice of registered
21 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
22 work in any non-direct patient care position that requires licensure as a registered nurse.

23 The Board may require that advanced practice nurses engage in advanced practice
24 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
25 Board.

26 If Respondent has not complied with this condition during the probationary term,
27 and Respondent has presented sufficient documentation of her good faith efforts to comply with
28 this condition, and if no other conditions have been violated, the Board, in its discretion, may

1 grant an extension of Respondent's probation period up to one year without further hearing in
2 order to comply with this condition. During the one year extension, all original conditions of
3 probation shall apply.

4 **7. Employment Approval and Reporting Requirements.** Respondent
5 shall obtain prior approval from the Board before commencing or continuing any employment,
6 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
7 performance evaluations and other employment related reports as a registered nurse upon request
8 of the Board.

9 Respondent shall provide a copy of this Decision to her employer and immediate
10 supervisors prior to commencement of any nursing or other health care related employment.

11 In addition to the above, Respondent shall notify the Board in writing within
12 seventy-two (72) hours after she obtains any nursing or other health care related employment.
13 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
14 terminated or separated, regardless of cause, from any nursing, or other health care related
15 employment with a full explanation of the circumstances surrounding the termination or
16 separation.

17 **8. Supervision.** Respondent shall obtain prior approval from the Board
18 regarding Respondent's level of supervision and/or collaboration before commencing or
19 continuing any employment as a registered nurse, or education and training that includes patient
20 care.

21 Respondent shall practice only under the direct supervision of a registered nurse
22 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
23 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
24 are approved.

25 Respondent's level of supervision and/or collaboration may include, but is not
26 limited to the following:

27 (a) **Maximum** - The individual providing supervision and/or collaboration is
28 present in the patient care area or in any other work setting at all times.

1 (b) Moderate - The individual providing supervision and/or collaboration is in
2 the patient care unit or in any other work setting at least half the hours Respondent works.

3 (c) Minimum - The individual providing supervision and/or collaboration has
4 person-to-person communication with Respondent at least twice during each shift worked.

5 (d) Home Health Care - If Respondent is approved to work in the home health
6 care setting, the individual providing supervision and/or collaboration shall have person-to-
7 person communication with Respondent as required by the Board each work day. Respondent
8 shall maintain telephone or other telecommunication contact with the individual providing
9 supervision and/or collaboration as required by the Board during each work day. The individual
10 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
11 site visits to patients' homes visited by Respondent with or without Respondent present.

12 9. **Employment Limitations.** Respondent shall not work for a nurse's
13 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
14 traveling nurse, or for an in-house nursing pool.

15 Respondent shall not work for a licensed home health agency as a visiting nurse
16 unless the registered nursing supervision and other protections for home visits have been
17 approved by the Board. Respondent shall not work in any other registered nursing occupation
18 where home visits are required.

19 Respondent shall not work in any health care setting as a supervisor of registered
20 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
21 nurses and/or unlicensed assistive personnel on a case-by-case basis.

22 Respondent shall not work as a faculty member in an approved school of nursing
23 or as an instructor in a Board approved continuing education program.

24 Respondent shall work only on a regularly assigned, identified and predetermined
25 worksite(s) and shall not work in a float capacity.

26 If Respondent is working or intends to work in excess of 40 hours per week, the
27 Board may request documentation to determine whether there should be restrictions on the hours
28 of work.

1 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 11. **Violation of Probation.** If Respondent violates the conditions of her
5 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
6 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
7 license.

8 If during the period of probation, an accusation or petition to revoke probation has
9 been filed against Respondent's license or the Attorney General's Office has been requested to
10 prepare an accusation or petition to revoke probation against Respondent's license, the
11 probationary period shall automatically be extended and shall not expire until the accusation or
12 petition has been acted upon by the Board.

13 12. **Physical Examination.** Within 45 days of the effective date of this
14 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
15 physician assistant, who is approved by the Board before the assessment is performed, submit an
16 assessment of the Respondent's physical condition and capability to perform the duties of a
17 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
18 medically determined, a recommended treatment program will be instituted and followed by the
19 Respondent with the physician, nurse practitioner, or physician assistant providing written
20 reports to the Board on forms provided by the Board.

21 If Respondent is determined to be unable to practice safely as a registered nurse,
22 the licensed physician, nurse practitioner, or physician assistant making this determination shall
23 immediately notify the Board and Respondent by telephone, and the Board shall request that the
24 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
25 shall immediately cease practice and shall not resume practice until notified by the Board.
26 During this period of suspension, Respondent shall not engage in any practice for which a license
27 issued by the Board is required until the Board has notified Respondent that a medical

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1 determination permits Respondent to resume practice. This period of suspension will not apply
2 to the reduction of this probationary time period.

3 If Respondent fails to have the above assessment submitted to the Board within
4 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
5 practice until notified by the Board. This period of suspension will not apply to the reduction of
6 this probationary time period. The Board may waive or postpone this suspension only if
7 significant, documented evidence of mitigation is provided. Such evidence must establish good
8 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
9 provided. Only one such waiver or extension may be permitted.

10 ACCEPTANCE

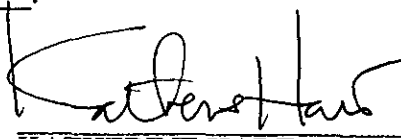
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and
12 have fully discussed it with my attorney, Katherine Hart. I understand the stipulation and the
13 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
15 Decision and Order of the Board of Registered Nursing.

16 DATED: 6/22/04.

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19 SHERRIAN CANTRELL SALINAS
Respondent

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21 I have read and fully discussed with Respondent SHERRIAN CANTRELL
22 SALINAS the terms and conditions and other matters contained in the above Stipulated
23 Settlement and Disciplinary Order. I approve its form and content.

24 DATED: 6/22/04.

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27 KATHERINE HART
Attorney for Respondent

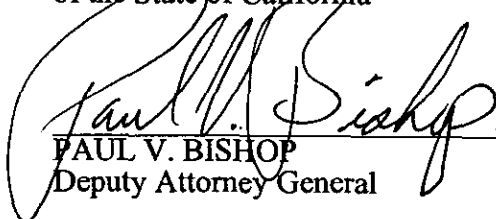
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 7/19/04.

BILL LOCKYER, Attorney General
of the State of California


PAUL V. BISHOP
Deputy Attorney General

Attorneys for Complainant

PVB:djd
03-30-04

Exhibit A

Statement of Issues No. 2003-70

1 BILL LOCKYER, Attorney General
of the State of California
2 LUANA L. MARTILLA, State Bar No. 69158
Deputy Attorney General
3 California Department of Justice
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4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5341
Facsimile: (916) 327-8643
6
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2003-70

13 SHERRIAN CANTRELL SALINAS
14 801 North Granada Drive, Apt. 39C
Madera, California 93637

STATEMENT OF ISSUES

Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this statement of
19 issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about July 15, 1999, SHERRIAN CANTRELL SALINAS
22 (Respondent) submitted an application for a Registered Nurse License to the Board of Registered
23 Nursing. The application was denied on or about April 3, 2002.

24 STATUTORY PROVISIONS

25 3. Section 2736 of the Business and Professions Code (Code) provides, in
26 pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds
27 that the applicant has committed any acts constituting grounds for denial of licensure under
28 section 480 of that Code.

1 4. Section 480 of the Code states:

2 (a) A board may deny a license regulated by this code on the grounds that the
3 applicant has one of the following:

4

5 (3) Done any act which if done by a licentiate of the business or profession in
6 question, would be grounds for suspension or revocation of license.

7 The board may deny a license pursuant to this subdivision only if the crime or act
8 is substantially related to the qualifications, functions or duties of the business or profession for
9 which application is made.

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11 5. Section 2761(a) of the Code provides that the board may take disciplinary
12 action against a certified or licensed nurse or deny an application for a certificate or license on
13 the grounds of unprofessional conduct.

14 FIRST CAUSE FOR DENIAL OF APPLICATION

15 (Committed Acts Which If Done By A Licentiate)

16 6. Respondent's application is subject to denial under Code section 2736 and
17 480(a)(3) in that while employed as a licensed vocational nurse at Madera Rehabilitation &
18 Convalescent Center, Madera, California, she committed an act which if done by a licentiate
19 would constitute grounds for discipline when on or about January 17, 2000, she mistreated, used
20 excessive force upon or abused patient C.K. when she slapped the patient approximately four
21 times on the upper leg/thigh. This conduct would constitute grounds for discipline under
22 Business and Professions Code section 2761(a) (unprofessional conduct).

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